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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,796	01/09/2002	Wayne A. Downer	BEA920010041US1	2841
23441	7590	05/26/2004	EXAMINER	
LAW OFFICES OF MICHAEL DRYJA 704 228TH AVENUE NE PMB 694 SAMMAMISH, WA 98074			BATAILLE, PIERRE MICHE	
		ART UNIT	PAPER NUMBER	
		2186		
DATE MAILED: 05/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/045,796	DOWNER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Pierre-Michel Bataille	2186	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 August 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,12-27 and 29-32 is/are rejected.
- 7) Claim(s) 2-11 and 28 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This Official action is taken with respect to examination of the instant application, which presented claims 1-32 for examination.

*Specification*

2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors.

Applicant is reminded to update the specification to reflect the status of all related application not in the specification whether abandoned or patented. As such all Attorney Docket Number should be replaced with respective application number and the status updated.

Please note that this is simply exemplary. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 12-27, and 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,728,709 (Plasek et al).

With respect to claim 20, Plasek teaches a system comprising: a plurality of building blocks (**plurality of versions of a database**) [Col. 3, Lines 22-28], a commit indicator for each of the plurality of building blocks to be partitioned, the commit indicator of a building block signifying that the building block has joined a partition (**relation definition table defining a partition definition of the database, the database table including data that are independent of data in others of the database tables**) [Col. 2, Lines 44-58]; and a partition protect indicator of each of the plurality of building blocks, the protect indicator of a building block signifying that a partition that the building block has joined is protected (**respective sets of partition lock status codes for the plurality of database tables, each associated with one of the plurality of partitions of a database table to indicate lock statuses of the one of the partitions**) [Col. 3, Lines 1-10, Lines 22-28].

With respect to claims 1 and 31-32, Plasek teaches a method implementing a plurality of building blocks (**plurality of versions of a database**) [Col. 3, Lines 22-28], a plurality of building block joining a partition with a commit indicator for each of the plurality of building blocks to be partitioned (**relation definition table defining a partition definition of the database, the database table including data that are independent of data in others of the database tables**) [Col. 2, Lines 44-58]; and a partition protect indicator (**respective sets of partition lock status codes for the plurality of database tables**) and a building block protect indicator (**the lock status**

***code being in exclusive update mode indicating that only the user of the block can update the block) [Col. 3, Lines 1-10, Col. 3, Lines 15-28].***

With respect to claims 12-19, 21-27 and 30, Plasek teaches separate partition table lock status code maintained on every partition of the table indicating that the partition lock status codes are respectively associated with the partition data **[Col. 3, Lines 1-10]**, the lock being in exclusive update status **[Col. 3, Lines 15-21]**.

With respect to claim 29, Plasek teaches the partition table lock status code maintained in addition to the relation indication indicator indicating that the block in said partition is protected **[Col. 3, Lines 1-10]**.

#### ***Allowable Subject Matter***

5. Claims 2-11 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,564,252 (Hickman et al) teaching assigning each client in a network system with a plurality of clusters a unique partition within one of the clusters such that each data element is stored in the partition assigned to the client.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Michel Bataille whose telephone number is (703) 305-0134. The examiner can normally be reached on Tue-Fri (7:30A to 6:00P).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew M. Kim can be reached on (703) 305-3821. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre-Michel Bataille  
Primary Examiner  
Art Unit 2186

May 20, 2004